

III. Remarks

Responsive to the outstanding Examiner's Action, Applicants have carefully studied the Examiner's comments. Favorable reconsideration of this application is respectfully requested in light of the above amendments and the following detailed discussion.

Claims 1-10 are pending in the application. Claims 1-10 are rejected. Claim 1 has been amended. A listing of the pending claims, along with a status indicator of each claim, appears above.

The Examiner indicated the drawings filed on April 24, 2006 are objected to. The Examiner indicated Fig. 1 should contain the label "Prior Art" and that Fig. 2 should have a bracket. Replacement sheets containing Figs. 1 and 2 with the corrections required by the Examiner are being submitted herewith. Fig. 2 has also been amended to clarify the order of assembly of the invention. The order of assembly depicted in Fig. 2 is well supported in the written description of the application. No new matter has been added in the application through the replacement sheets.

Claims 1-7 and 10 were rejected under 35 USC 102(b) as being unpatentable by Arnold (U.S. Patent No. 4,719,677).

According to the MPEP, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP 2131 (quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631) (emphasis added).

Claim 1 is drawn to a pilot web and differential carrier assembly comprising a pilot web and a differential carrier. The reference relied on by the Examiner describes a crankcase for an engine. No explanation was provided by the Examiner as to why a crankcase for an engine teaches or describes a pilot web and a differential carrier. The cited reference does not teach, expressly or inherently, both a pilot web and differential carrier. Therefore, it is respectfully submitted that the cited reference does not provide a proper foundation for a 35 USC 102(b) rejection.

The present invention is also patentable over the cited reference based on a clarification to Fig. 2 on the submitted replacement sheets. Again, the basis for the clarification to Fig. 2 is well supported in the written description of the application. As best seen in Fig. 2, the pilot web (12) is not secured to the U-shaped structure on the carrier (10), but instead the pilot web (12) is secured adjacent the U-shaped structure via the fasteners (14).

In the cited reference, however, bearing cap (64) is secured to the integral crank journal receiving portion (58), which has a U-shaped appearance. Applicants urge that the cited reference fails to teach, either implicitly or explicitly, the connection of a pilot web (12) to a carrier (10).

While Applicants respectfully disagree with the Examiner's 35 USC 102(b) rejection of the application in view of the Arnold reference, Applicants have clarified claim 1 to remove any misunderstanding. Specifically, Applicants have amended claim 1 to indicate the stop on the pilot web is located at substantially the midpoint between the first and second ends of the web.

It is respectfully submitted that the Arnold reference, as interpreted by the Examiner in the annotated figure attached to the Office Action, does not teach or suggest a stop on the pilot web located at substantially the midpoint between the first and second ends of the web.

In light of the above discussion and the amendments to claim 1, amended claim 1 of the present invention is patentable. Furthermore, claims 2-10 each depend on claim 1, either directly or indirectly, and contain all of the limitations thereof. Therefore, because claim 1 is patentable and claims 2-10 each depend on claim 1, claims 2-10 are patentable over the Arnold reference.

Dependent claim 8 was rejected under 35 USC 103(a) based on Arnold in view of Gievers (U.S. Patent No. 6,122,995). It is respectfully submitted that, as mentioned above, claim 8 is patentable as being dependent upon a patentable independent claim, claim 1.

Dependent claim 9 was rejected under 35 USC 103(a) as being unpatentable based on Arnold. It is respectfully submitted that, as mentioned above, claim 9 is patentable as being dependent upon a patentable independent claim, claim 1. Further, the gaps between the stops identified by the Examiner are not the same gaps between the stops defined in the claims. Based on amended claim 1, the stop on the pilot web is located at substantially the midpoint between the first and second ends of the web. According to this definition, the Examiner's reliance on Arnold to make obvious the .002 inch gap between the first and second stop, as defined in the Office Action, is unsupportable.

Claims 1-7 and 10 were also rejected under 35 USC 103(a) as being unpatentable over admitted prior art and the Arnold reference. The Examiner stated in the Office Action that Fig. 1 of Applicants' application teaches the elements of claim 1 substantially as claimed with the sole listed difference being that the APA's pilot web and carrier are formed as one piece instead of two pieces and connected together.

Applicants respectfully disagree that Fig. 1 teaches everything in claim 1 except forming the pilot web and carrier as separate pieces. For example, Fig. 1 lacks at least one aperture in each of the first and second ends of the pilot web as well as a differential carrier having apertures in complementary locations to said apertures in said pilot web. Fig. 1 also fails to teach or make obvious stops on either the pilot web or the differential carrier. Applicants respectfully request that the Examiner identify in detail each of these features in Fig. 1.

While Applicants respectfully disagree that Fig. 1 teaches substantially all of the elements of claim 1, it urged that the combination of Fig. 1 and the Arnold reference do not teach claim 1 as now amended.

According to the MPEP, "[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations." See MPEP 2143 (emphasis added).

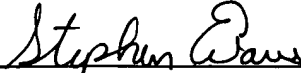
The Examiner indicated that the suggestion or motivation to combine the reference teachings would be to “reduce the casting and/or manufacturing equipment required” It is respectfully submitted that to separately cast the pilot web and differential carrier of the APA would *increase* the amount of casting and/or manufacturing equipment required since two molds would be required, two castings must be made and both castings may have to be separately machined. Applicants kindly request that if the Examiner has specific information that casting the parts separately would somehow *reduce* the equipment required, that such information be provided to Applicants for review. If no such information can be provided, it is respectfully urged that the Examiner’s 35 USC 103(a) rejection cannot stand as there is no supported suggested motivation to combine the teachings.

Even if there is a suggestion or motivation to combine the teachings, the Examiner’s combination of references does not make obvious claim 1 as now amended. Again, claim 1 has been amended to clarify that the stop on the pilot web is located at substantially the midpoint between the first and second ends of the web. Nothing in the prior art cited to date makes this aspect of claim 1 obvious.

In light of the remarks above, it is believed the claims are now in condition for allowance and an early Notice of Allowance is respectfully requested.

Should the Examiner wish to modify any of the language of the claims,
applicant's attorney suggests a telephone interview in order to expedite the prosecution
of the application.

Respectfully submitted,



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